

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DAVID S. YARNALL,)	
)	
Plaintiff,)	CONSOLIDATED
)	
v.)	CIV. No.: 05-527-SLR
)	
CPL. ANTHONY MENDEZ, DELAWARE)	CIV. NO.: 06-501-SLR
STATE POLICE - TROOP 7, PTLM)	
LOWE, UNKNOWN OFFICERS WHO)	CIV. NO.: 06-529-SLR
RESPONDED TO SCENE OF)	
MILLSBORO POLICE, AND PFC)	
BUCHERT,)	
)	
Defendants.)	

**DEFENDANTS PTLM LOWE AND PFC BUCHERT'S MOTION FOR LEAVE
TO FILE A MEMORANDUM OF POINTS AND AUTHORITIES
IN LIEU OF AN OPENING BRIEF**

Defendants Ptlm Lowe and PFC Buchert request permission to file a Memorandum of Points and Authorities in support of their Motion for Clarification of the Court's August 10, 2006 Order pursuant to Dist. Ct. L.R. 7.1.2. (b) in lieu of an opening brief. In support of their Motion, defendants state as follows:

1. Dist. Ct. L.R. 7.1.2. (b) provides that " the Court may order or the parties may agree to serve and file...statements of points and authorities in memorandum form in place of briefs."

2. Plaintiff is pro se. The arguments set forth in defendants' Motion for Clarification do not require complex factual or legal analysis.

WHEREFORE, defendants Ptlm Lowe and PFC Buchert respectfully request permission to file a Memorandum of Points and Authorities in lieu of an opening brief.

AKIN & HERRON, P.A.

/s/ Bruce C. Herron
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Ptlm Lowe and PFC Buchert

SO ORDERED this ____ Day of _____, 2006.

Dated: December 21, 2006